IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 17866 of 2007(B)

PETITIONER:

EDAPPALLY MAHALLU MUSLIM JAMAATH
PALLI COMMITTEE, REPRESENTED BY THE PRESIDENT,
P.H.ABDUL RASHEED, S/O HAMEED MUSALIYAR,
PALACKAPARAMBIL, EDAPPALLY NORTH VILLAGE,
EDAPPALLY.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:
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1. THE COMMISSIONER OF POLICE,
KOCHI CITY, ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
KALAMASSERY.

3. THE SUB INSPECTOR OF POLICE,
KALAMASSERY.

4. P.M.SAHID, S/O A.K.MOHAMMED KUNJU,
POOTHOLIPARAMBU, EDAPPALLY NORTH,
KOCHI-682024.

5. M.A.ABDUL LATHEEF, S/O ABOOBACKER,
BLAYIPARAMBU, EDAPPALLY NORTH,
KOCHI-682004.

6. SIYAD P.A., S/O ABDUL KHADER,
PATTANCHERRY HOUSE, R.S.ROAD, EDAPPALLY,
KOCHI-24.

R1 TO R3 BY G.P. SHRI P.A. SALIM
R4 TO R 6 BY ADV. SRI.M.M.ABDUL AZIZ (SR.)
SRI.M.A.ABDUL HAKHIM
SRI.P.K.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

CLOSED AS INFRUCTUOUS WITHOUT PREJUDICE TO THE CONTENTIONS OF THE PETITIONER.

24/9/2007 SD/- K. BALAKRISHNAN NAIR, JUDGE.

SD/- T.R. RAMACHANDRAN NAIR, JUDGE.

// TRUE COPY //

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17866 OF 2006

Dated this the 9th day of August, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of water charges. According to the petitioner, petitioner himself applied for disconnection after construction of well within the compound to source water. Standing counsel for Kerala Water Authority submitted that ever since giving connection on 4.10.1996 petitioner has not made any payment until disconnection was effected on 24.3.2000. Even though petitioner has stated that he has made payment of arrears at the time of disconnection no details are furnished in court to substantiate the same. In the circumstances, respondents are free to proceed for recovery if the petitioner does not produce proof of payment of arrears. If the petitioner wants to contest the demand, petitioner is given an option to do so by depositing 50% of the arrears and file appeal before the Executive Engineer along with receipt for payment of 50% within six weeks from today, and if appeal is filed the Executive Engineer will dispose of the appeal within one month from

the date of receipt of the appeal after hearing the petitioner. If the petitioner produces proof of payment then recovery proceedings will be withdrawn to the extent of payment made and only the balance will be recovered. Similarly if appeal is filed after payment of 50%, recovery of the balance 50% will remain stayed till disposal of appeal and thereafter recovery will be based on orders in appeal. If 50% is not paid and no appeal is filed, then respondents can proceed for recovery of the entire arrears due.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge